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**From:** McGill, Thomas [Mcgill.Thomas@epa.gov]  
**Sent:** 7/18/2018 9:56:58 PM  
**To:** Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]  
**CC:** Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]  
**Subject:** history of communication with Tribes about 404 Assumption  
**Attachments:** Fact Sheet - 404 assumption.docx; assumption talking points.docx; 404 assumption overview.pdf

Jeaneanne – Here's a brief summary of our communication with the Tribes regarding assumption in Florida. I'm copying Phil in case he has anything to add. Please let us know if you have any questions. Tom

- On 11/30/17, EPA R4 reached-out to Tribes with Trust lands/interests in FL (i.e., Seminoles, Miccosukees, Poarch Creek) through email and provided some basic information (email summary about FDEP exploring assumption and the attached fact sheet) and invited them to participate in a video-teleconference.
- On 12/19/17, EPA hosted a teleconference and gave a presentation about the requirements and process for 404 assumption and answered questions.
  - o Mary Walker gave opening remarks (attached) and we then gave a presentation (attached), which we shared prior to the call.
  - o Representatives with the Miccosukees and Poarch Creek Tribes participated, and had few questions and did not express any concerns.
  - o The Seminoles had indicated they were available prior to the call, but did not participate.
- On 3/30/18, Michelle Differenderfer (an attorney representing the Seminole Tribe) called our office requesting some basic information about assumption and expressed interest in a meeting at some point in the future.
  - o We provided the same information referenced above.
  - o Phil had some subsequent conversations with Ms. Differenderfer, but she has not initiated any meeting request.
- We understand FDEP initiated communication with the Tribes (at least the Seminoles and Miccosukees) sometime in early 2018 and shared a draft of the EPA-FDEP MOA with them.
- We understand the Miccosukees provided FDEP feedback on the draft MOA language requesting some clarification in sections that referenced Tribal lands and Indian Country. FDEP and EPA discussed and revised the draft MOA language in April in consideration of the feedback.
- In mid-May, FDEP notified the Seminoles, Miccosukees, and Poarch Creek Tribes of their proposed rulemaking regarding assumption.